

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ATLANTIC SALMON)	
FEDERATION U.S. et al.,)	
)	
Plaintiffs)	
)	
v.)	No. 1:21-cv-00257-JDL
)	
MERIMIL LIMITED)	
PARTNERSHIP et al.,)	
)	
Defendants)	

**RECOMMENDATION THAT COURT DISMISS
DEFENDANT BROOKFIELD RENEWABLE U.S.
AND MOOT ORDER TO SHOW CAUSE**

On April 5, 2022, the Court ordered the Plaintiffs to show good cause in writing no later than April 19, 2022, why service had not timely been made upon Defendant Brookfield Renewable U.S., failing which the Second Amended Complaint would be dismissed as to that Defendant. *See* Order to Show Cause (ECF No. 63). Because the Plaintiffs’ subsequently-filed papers indicate that any need to serve Brookfield Renewable U.S. has been obviated, I recommend that the Court dismiss that Defendant and deem the Order to Show Cause moot.

I. Discussion

The Plaintiffs timely responded to the Order to Show Cause on April 19, 2022, reporting that the Defendants had represented that no separately organized entity named “Brookfield Renewable U.S.” existed to be served or sued and requesting that the Court either grant their accompanying motion to add two previously-dismissed

Brookfield entities or order defense counsel to waive service on “Brookfield Renewable U.S.” and file an answer on its behalf, “allow[ing] the parties to explore these ultimate corporate governing powers and relationships further in discovery to identify whether any additional ‘Brookfield’ entities should be added to this case.” Plaintiffs’ Response to OSC (ECF No. 64); Plaintiffs’ Motion to Re-Add Parties (ECF No. 65).

However, on May 10, 2022, the Plaintiffs withdrew their Motion to Re-Add Parties, explaining that the Defendants had assured them that “the Brookfield entities currently named in the amended complaint have authority to implement injunctive measures ordered by the Court.” Plaintiffs’ Notice of Withdrawal of Motion to Re-Add Parties (ECF No. 66) at 2. The Plaintiffs made no request for additional time to attempt to serve Brookfield Renewable U.S., *see generally id.*, suggesting that any outstanding concern regarding that entity had been addressed.

II. Conclusion

For the foregoing reasons, I recommend that the Court **DISMISS** Brookfield Renewable U.S. as a Defendant and **DEEM** the Order to Show Cause **MOOT**.

NOTICE

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum and request for oral argument before the district judge, if any is sought, within fourteen (14) days after being served with a copy thereof. A responsive memorandum and any request for oral argument before the district judge shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

Dated: May 16, 2022

/s/ Karen Frink Wolf
United States Magistrate Judge